

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE

SC13-1333

LAURA M. WATSON, NO. 12-613

**FLORIDA JUDICIAL QUALIFICATIONS COMMISSION'S
RESPONSE TO JUDGE WATSON'S NOTICE OF DIRECT CRIMINAL
CONTEMPT BY THE FLORIDA BAR AND JUDICIAL
QUALIFICATIONS COMMISSION (Coxe, McGrane, and Muir) AND
MOTION TO REJECT THE REPORT AND RECOMMENDATIONS OF
THE JQC BASED UPON PERJURY, FRAUD, SPOILIATION OF
EVIDENCE AND NUMEROUS VIOLATIONS OF THE RULES
REGULATING THE FLORIDA BAR, AND OTHER RELIEF**

The Florida Judicial Qualifications Commission, by and through its undersigned counsel, hereby files its Response to Judge Watson's Notice of Direct Criminal Contempt by The Florida Bar and Judicial Qualifications Commission (Coxe, McGrane, and Muir) and Motion to Reject the Report and Recommendations of the JQC Based Upon Perjury, Fraud, Spoliation of Evidence, and Numerous Violations of the Rules Regulating The Florida Bar, and Other Related Relief ("Motion").¹

INTRODUCTION

Rather than respond to the merits of the charges against her, Judge Watson's *modus operandi* throughout this proceeding has been to deflect scrutiny of her own

¹ This Response is filed solely on behalf of the Judicial Qualifications Commission.

misconduct and instead focus on the conduct of others, whether through repeated attempts to disqualify members of the Hearing Panel; unsubstantiated allegations of prosecutorial misconduct against Miles McGrane, Special Counsel to the JQC's Investigative Panel, or her choice method of obfuscation – relentless attacks on the credibility of Larry Stewart, one of the lawyer victims of her unethical behavior. Although Judge Watson claims to have recently “unearthed” in excess of 200 emails that The Florida Bar (the “Bar”) and JQC allegedly failed to produce in response to her discovery requests, she has not identified a single email in her 70-page Motion that remotely supports her accusation that Larry Stewart “*literally* directed the results of . . . the JQC’s investigative and hearing panels in this case.”² See Motion at 4 (emphasis in original). The emails exchanged between Messrs. McGrane and Stewart which are quoted in Judge Watson’s Motion were not

² Judge Watson makes a corresponding accusation that Larry Stewart directed the results of the Bar’s grievance committee. See Motion at 4. It is unclear whether she is referring to the grievance committee which found probable cause that she violated the Rules Regulating the Florida Bar or one of the grievance committees that was investigating the other lawyers who were “co-conspirators” in the misconduct for which she was under investigation by the Bar. In either event, the JQC’s jurisdiction over Judge Watson is constitutionally based and cannot be circumscribed, or otherwise limited, by anything that transpired during the Bar’s investigation into her misconduct. This point is more fully discussed in Section VI of the JQC’s Reply Brief filed on July 31, 2014 (“Reply Brief”).

recently “unearthed.” Rather, all of those emails were marked as a composite exhibit to Mr. Stewart’s deposition, which occurred on November 19, 2013.³

Additionally, Judge Watson’s counsel cross-examined Mr. Stewart regarding many of those same emails during the final hearing before the JQC. In other words, despite the highly inflammatory tone of her Motion and unbridled use of terms such as “fraud,” “perjury,” and “spoliation,” Judge Watson has not identified a single email that was not already in her possession prior to the final hearing that substantiates her claim that Larry Stewart, to use her words, “*literally* directed the results of the . . . JQC’s investigative and hearing panels in this case.” *See* Motion at 4 (emphasis in original).

I. FACTUAL BACKGROUND

The salient facts underlying the Hearing Panel’s recommendation that Judge Watson be removed from office stem from the manner in which, as an attorney, she settled certain personal injury protection (“PIP”) claims against the Progressive Insurance Companies (“Progressive”) in 2004.⁴ As further elaborated upon in the JQC’s Reply Brief, Judge Watson was one of several lawyers (referred to in the JQC’s Reply Brief as the “PIP lawyers”) who recruited a group of lawyers

³ *See* Motion at pp. 22-23 and App. Ex. R to Motion.

⁴ A more detailed recitation of the facts is set forth at pp. 9-22 of the JQC’s Reply Brief.

specializing in bad faith litigation (referred to in the JQC's Reply Brief as the "Bad Faith lawyers") to initiate a lawsuit against Progressive based on Progressive's perceived bad faith refusal to settle claims of several health care provider clients of the PIP lawyers. Larry Stewart of the law firm of Stewart, Tilghman, Fox & Bianchi, P.A. was the lead attorney for the Bad Faith lawyers, both in terms of interfacing with the PIP lawyers and in negotiating with Progressive.

A dispute eventually arose between the PIP lawyers and the Bad Faith lawyers after the Bad Faith lawyers learned the PIP lawyers had secretly engineered a global settlement of the health care providers' claims with Progressive. That dispute ultimately culminated in the Bad Faith lawyers filing suit against the PIP lawyers in the Circuit Court for the Fifteenth Judicial Circuit. Following a lengthy non-jury trial, the Honorable David Crow entered a Final Judgment in favor of the Bad Faith lawyers. The Final Judgment included an award against Laura M. Watson, P.A. (attorney Watson was the sole owner of her law firm) in the amount of \$981,792.00. (JQC Exb. 10).⁵ With respect to the Bad Faith lawyers' claim against Laura M. Watson, P.A., Judge Crow noted:

The Plaintiffs' [Bad Faith lawyers] work resulted in favorable rulings which opened the door to settlement when Defendants [PIP lawyers] had been unable to make

⁵ JQC Ex. 10 was admitted into evidence during the final hearing and was previously filed with this Court on April 15, 2014.

any progress in that regard on their own. In addition, the evidence establishes that Defendant law firms unfairly deprived Plaintiffs of a fee by ignoring multiple conflicts of interest, misrepresenting the terms of the settlement to the Plaintiffs, misrepresenting the terms of the settlement to the clients to obtain the releases to trigger payment, manipulating the allocation of the settlement to obtain most of it as attorneys' fees, and by discharging Plaintiffs for no reason.

(JQC Ex. 10 at p. 19). Notably, the Final Judgment also included the following provision:

7. A copy of this opinion is being forwarded to The Florida Bar for action, if any, in regard to the Court's finding of violations of Rules of Professional Conduct 4-1.5(f)(1) and (5), 4-1.7(a)((b) and (c) and 4-1.8 and 4-1.8(g) and 4-1.

(JQC Exb. 10 at p. 23). Thereafter, the Circuit Court's Final Judgment was affirmed on appeal. *Kane v. Stewart, Tilghman Fox & Bianchi*, 85 So. 3d 1112 (Fla. 4th DCA 2012).

In October 2012, a Bar grievance committee found probable cause that attorney Watson had violated the Rules Regulating the Florida Bar with respect to the claims that had been litigated before Judge Crow. In the following month, attorney Watson won election as a circuit court judge in Broward County. Following her election, the JQC issued a notice of investigation to Judge Watson and ultimately commenced formal proceedings against her based on the same ethical issues that arose during the litigation before Judge Crow.

Judge Watson's final hearing before the JQC was February 10-12, 2014. Thereafter, the Hearing Panel issued its Findings and Recommendation of Discipline on April 15, 2014. Having independently reviewed the evidence and considered the credibility of witnesses, the Hearing Panel concurred in the findings made by Judge Crow in the Final Judgment. Specifically, the Hearing Panel concluded that:

By the facts detailed, attorney Watson violated R. Reg. Fla. Bar 3-4.2 (violating Rules of Professional Conduct); 3-4.3 (commission of acts contrary to honesty or justice); 4-1.4(a) (failing to keep clients informed about the status of a matter); 4-1.4(b) (failing to explain matters to the extent reasonably necessary to permit clients to make informed decisions regarding the representation); 4-1.5(f)(1) (failing to provide written statements to bad faith clients stating the outcome of the matter, the remittance to the client, and the method of its determination); 4-1.5(f)(5) (failing to provide closing statements to bad faith clients reflecting an itemization of costs and expenses, together with the amount of fees received by participating lawyers or firms); 4-1.7(a) (representing clients with directly adverse interests); 4-1.7(b) (representing clients where representation was materially limited by lawyers' responsibilities to other clients, third persons and the lawyers' own interests); 4-1.8(g) (making an aggregate settlement of the claims of two or more clients without requisite disclosure or consent); 4-8.4(a) (violation of the Rules of Professional conduct herself, and through the acts of others); 4-8.4(c) (engaging in conduct involving deceit); and 5-1.1(f) (failing to treat disputed funds as trust property).

See Findings, Conclusions and Recommendations of the Hearing Panel, Florida Judicial Qualifications Commission at p. 6.

A. The Issues Raised By Judge Watson Have no Bearing on Her Guilt

Due to the sensational nature of the allegations in Judge Watson's Motion, this Court should remain mindful that the primary focus at this stage in the proceedings is whether the Hearing Panel properly determined that attorney Watson's unethical behavior was so egregious that it demonstrates a present unfitness to hold judicial office. **The misconduct which underlies this case occurred in 2004.** In that regard, the Hearing Panel found, *inter alia*, that "[t]emptation overrode Judge Watson's ethics, despite advance warning;" that "she sold out her clients, her co-counsel, and ultimately herself;" and that her conduct was so inconsistent with the responsibilities of judicial office that the only appropriate discipline was removal.

Aside from the select few emails mentioned earlier between Messrs. McGrane and Stewart which Judge Watson had in her possession no later than the date of Larry Stewart's deposition, (*see supra* at pp. 2-3), the emails which Judge Watson claims should have been disclosed earlier were predominately emails exchanged between Larry Stewart and representatives of The Florida Bar, **on which no representative of the JQC was copied.** See Ex. U to Appendix to

Motion. More importantly, all of the so-called “unearthed” emails were authored in either 2012 or 2013. In contrast, Judge Watson’s unethical behavior occurred in 2004. Thus, even assuming *arguendo* Mr. Stewart attempted to improperly inject himself into the Bar’s prosecution of attorney Watson or any of the other PIP lawyers, which the JQC does not concede, his assistance in no way mitigates Judge Watson’s own ethical breaches several years earlier. Judge Watson’s insistence on shifting the focus of this case to impugning Mr. Stewart’s credibility is a familiar, but doomed, strategy in JQC proceedings.

This Court has long condemned the practice of respondent judges defending against JQC charges by attempting to misdirect the focus of the proceedings to the conduct of others. It is well-settled under this court’s jurisprudence that the proper scope of any JQC proceeding should remain on the *respondent judge’s* present fitness to hold office. In addressing a somewhat analogous situation in *In re: Graham*, 620 So. 2d 1273 (Fla. 1993), this Court stated:

Regrettably, in his appearance before the JQC, in his brief, and in his oral argument to this Court, Graham only obliquely addressed the critical issue of his present fitness to serve as a judge. Instead, he focuses his arguments on the conduct of other officials, attorneys, and citizens of Citrus County. ***Regardless of whether his criticisms of these individuals and institutions are well-founded, they are not relevant to our determination of his ability to administer justice fairly and professionally.***

Id. at 1275 (emphasis added); *see also In re Shea*, 759 So. 2d 631, 638 (Fla. 2000) (citing *Graham* and stating, “Judge Shea’s allegations of improper conduct on the part of others do not excuse his abuse of office.”). Applying *Graham*’s rationale here, this Court should likewise reject Judge Watson’s attempt to deflect scrutiny of her own unethical conduct by casting aspersions on the Bar, Miles McGrane, or Larry Stewart.

II. PERTINENT DISCOVERY AND TRIAL PROCEEDINGS

The gravamen of Judge Watson’s Motion stems from what she refers to as the so-called “Improperly Withheld Emails.” *See* Motion at 2. Specifically, Judge Watson claims that she “recently discovered that counsel for the Bar and the JQC intentionally failed to produce in excess of two hundred (200) emails responsive to her discovery requests, which are material to this case (“Improperly Withheld Emails”).” *See* Motion at 2. Judge Watson claims that the Bar produced the Improperly Withheld Emails in response to a discovery request in the related bar disciplinary proceedings of Harley Kane [TFB 2008-51,562 (17B) and Charles Kane, 2008-51,559, (17B)].⁶ She then posits that the Bar and/or JQC should have produced those same emails in response to a subpoena she served on the Bar in this

⁶ Harley Kane and Charles Kane are two of the PIP lawyers who were also defendants in the litigation before Judge Crow.

proceeding and that the Bar's (and JQC's failure to do so) was designed to limit her ability to effectively cross-examine Larry Stewart.⁷ In order to sift through the hyperbole in Judge Watson's Motion, it is essential that the Court understand what occurred with respect to three aspects of discovery: (i) Judge Watson's Request for Production to the JQC; (ii) the deposition of Larry Stewart—and his resulting trial testimony; and (iii) a subpoena for records Judge Watson served on the Bar. Those issues are discussed, *in seriatim*, below.

A. Judge Watson's Request for Production to the JQC

On August 26, 2013, Judge Watson served a Request for Production of Documents to the JQC. A copy of the Request for Production is attached hereto as Exhibit A. Regarding the documents that were requested in the Request for Production, Judge Watson makes the following statement in her Motion:

⁷ On November 15, 2013, Judge Watson served a Subpoena for Videotaped Deposition Duces Tecum of Non-Party on Ghenette Wright Muir of The Florida Bar. *See* App. Exhibit Y to Motion.

The JQC is not a party to the Kaness' grievance proceeding and, as such, has no control of the records the Bar produced in the Kaness' grievance case. Judge Watson's refusal to distinguish between the Bar's control of its own discovery responses -- versus the JQC's control over discovery responses directed to it -- is indicative of her attempt to further confuse the court. Simply stated, the JQC has no control over how the Bar responds to discovery responses directed to the Bar (and vice versa).

The request sought amount things, McGrane's response to the few emails Stewart provided at his November 2013 deposition, and all other emails between Stewart and McGrane; the emails exchanged *between McGrane* and Hearon, Jim Tilghman and David Bianchi (Stewart's law partners), and members of the Florida Bar; the correspondence between The Florida Bar and the JQC; and correspondence included in The Florida Bar's transmittal of the file to the JQC.

See Motion at 34 n. 25. Contrary to Judge Watson's description of her Request for Production, the Request for Production does *not* request any of the documents Judge Watson describes. This Court can confirm that fact simply by reviewing the Request for Production. Mr. McGrane, Special Counsel to the Investigative Panel, served a timely Response to the Request for Production on September 20, 2013. A copy of that Response is attached hereto as Exhibit B. The JQC indicated in its Response that all non-confidential documents in its possession "were available for copying and/or inspection at the office of the undersigned at a mutually agreeable time." It was not until December 26, 2013, that counsel for Judge Watson made arrangements to have a courier obtain copies of the responsive documents from Special Counsel's office.

In her present Motion, Judge Watson renews the argument she previously asserted in her Response to the Court's Order to Show Cause that the JQC's response to her Request for Production was incomplete. As the JQC pointed out in

its Reply Brief, Judge Watson raised this same issue in an omnibus motion she filed on January 13, 2014, entitled, *Judge Watson's Motion to Compel Documents, Motion for Sanctions, Motion to Overrule All Claims of Privilege or Confidentiality Based on Voluntary Disclosure and Failure to File a Privilege Log, Motion to Reopen Discovery, Permit Completion of Suspended Deposition of Complaining Witness Larry Stewart and to Continue the February 10, 2014 Trial* (hereinafter collectively referred to as "Motion to Compel"). See Reply Brief at pp. 37-39.

On January 17, 2014, Judge Kerry Evander, as Chair of the Hearing Panel, conducted a telephonic hearing on Judge Watson's Motion to Compel. As evidenced by the following colloquy, Mr. McGrane was specifically questioned as to whether the JQC had failed to produce any documents that had been requested by Judge Watson:

THE COURT: Let me just narrow the issues.

Mr. McGrane, are you aware of anything that is being requested by Mr. Sweetapple that has not been produced?

MR. McGRANE: No, sir.

THE COURT: I mean today. I know that previously he requested various documents.

But as far as what he requested today, are you aware of any documents that have not been produced?

MR. McGRANE: No, sir.

See Transcript of Proceedings (Telephonic Hearing) before The Honorable Kerry Evander taken on January 17, 2014 at p. 44, lines 13-23. A copy of that hearing transcript is marked as Exhibit 1 in the JQC's Appendix to its Reply Brief.

Following the hearing, the matter was taken under advisement and on January 22, 2014, Judge Evander issued an Order on Pending Motions in which he denied Judge Watson's Motion to Compel. In denying the Motion to Compel, Judge Evander noted that several allegations of "lawyer misconduct" had been made against Mr. McGrane during the discovery process and that the "allegations of misconduct [were] found to be unsupported and Respondent's Motion to Compel is denied in its entirety." See Order on Pending Motions at p. 6 dated January 22, 2014.

B. Deposition of Larry Stewart

On November 19, 2013, Judge Watson's counsel, Larry Sweetapple, took the deposition of Larry Stewart. The deposition began at 9:39 a.m. and concluded at 5:03 p.m. Although a subpoena was issued for Mr. Stewart's deposition, he was never served with the subpoena and appeared voluntarily. Mr. Stewart brought to the deposition several documents, principally email communications between

himself and Miles McGrane from July 24, 2013, the date the Notice of Formal Charges was filed, through the date of the deposition. At approximately 5:00 p.m., Mr. Sweetapple began to question Mr. Stewart, for the first time, concerning the documents he brought to the deposition. *See* Deposition Transcript of Larry Stewart at p. 321, lines 1-8.⁸ The deposition concluded at 5:03 p.m. At the conclusion of the deposition, Mr. Sweetapple marked the documents Mr. Stewart brought to the deposition as Composite Exhibit E.

At pages 21-24 of her Motion, Judge Watson references selective quotes from several of the emails exchanged between Mr. Stewart and Mr. McGrane in an attempt to demonstrate that “[a]s early as August 16, 2013, Stewart took control of the JQC trial directing the order of proof requested from McGrane, strategizing with McGrane as to the best presentation of legal arguments, and offering himself as an expert witness.” *See* Motion at 21. Sadly, Judge Watson omits crucial facts necessary for a complete understanding of what actually transpired with respect to those emails. For example, while it is true Mr. Stewart did send Mr. McGrane a suggested order of proof, Judge Watson omits the fact that Mr. McGrane did not

⁸ A copy of Mr. Stewart’s deposition transcript was previously filed with the Court on December 20, 2013. The deposition ended at 5:03 p.m. because Mr. Stewart previously advised Mr. Sweetapple that he was available until 5:00 p.m. and that if Mr. Sweetapple wished to extend the deposition beyond 5:00 p.m., he would need to file a motion with the Hearing Panel for leave to extend the deposition.

follow that order of proof. Similarly, while it is true Mr. Stewart offered himself as an expert witness, Mr. McGrane did not call Mr. Stewart as an expert witness.

Inexplicably, Judge Watson also argues that Larry Stewart was the JQC's "sole" witness against her and that she was deprived of the opportunity to effectively cross examine him because she did not have the benefit of the "Improperly Withheld Emails." This argument is a strawman. First, as demonstrated by the following example, using many of the same emails referenced in her Motion, Mr. Sweetapple cross-examined Mr. Stewart at length:

BY MR. SWEETAPPLE:

Q. You see the e-mail dated September 16th, 2013?

A. I see one dated August 16th that has a document attached to it [dated] September 16th.

Q. *There's one about seven pages long that sets forth how Mr. Stewart should try this case.*

A. How Mr. McGrane –

Q. Mr. McGrane, yes.

A. -- should try this case, my suggestions to him. Yes, sir, I see that.

Q. Okay. So it says, "My approach to trials is generally to keep it short and simple." And then you have one, two, three, four, five, six, seven, then another seven paragraphs and a seven-page e-mail on how you're

directing Mr. Stewart to try this case. Right?
Mr. McGrane, I'm sorry, to try this case?

A. Incorrect. I was making suggestions to Mr. McGrane about how to try this case. As you can see how it's going so far, he hasn't followed some of my suggestions.

(T:2-222) (emphasis added).⁹

Second, although it is true Mr. Stewart testified in the JQC's case-in-chief, Judge Watson is mistaken he was the JQC's *sole* witness. *See* Motion at pp. 10-11 ("Due to the misconduct of the TFB and JQC, Judge Watson did not have the benefit of the recently discovered Improperly Withheld Emails to use against the JQC's *sole* witness' testimony."); Motion at p. 51 ("The failure to properly disclose these emails prevented Judge Watson from impeaching the credibility of *Stewart, the only testifying witness called by the JQC against Judge Watson*"). In actuality, Judge Watson was also called as a witness in the JQC's case-in-chief and her testimony was particularly damaging. As the Hearing panel lamented:

The hearing Panel is likewise concerned with Judge Watson's present lack of candor and judgment, and with her present inability – or unwillingness – to square her own conduct with the rules governing the practice of law.

⁹ All references to "T:____" are references to the final hearing transcript. For instance, (T:2-222) refers to Volume 2 of the final hearing transcript at p. 222.

Judge Watson delivered her own opening statement, insisting she had “done nothing wrong,” that Judge Crow found she’d done nothing wrong, and denied that Judge Crow found that she violated any ethical rules. (T. 36-38). She argued that Judge Crow’s judgment against [her] professional association for “unjust enrichment,” “sound[ed] bad,” but “all it means is you did not have a written agreement with someone but somehow you benefited from their actions and . . . owe them” (T. 39-40). ***After years of litigation and the benefit of hindsight, she still voiced confusion “about what it is I’ve done [wrong].”*** (T. 312).

Judge Watson’s testimony at the final hearing conflicted with her own records. She denied that Gold Coast’s “agreement to divide recovery” contemplated adding plaintiffs, stating “I don’t read it that way,” claimed Gold Coast agreed to amend its complaint to add only ten claimants, when the agreement contained no such limitation (Pet. Ex. 1; T. 334-35), and denied that the Progressive settlement required her to defend or indemnify Progressive from claims made by her own clients. (Pet. Ex. 1; T. 334-38). She contended the MOU [Memorandum of Understanding] was a settlement “proposal” which “fell apart,” its indemnity language was changed by amendment, and the amendment indemnified Progressive only against claims from Larry Stewart and the bad faith lawyers. (T. 378).

In fact, the MOU was amended “only as specifically provided,” otherwise [it] remained “in full force and effect,” and the amended MOU was made effective *nunc pro tunc* to May 17, 2004 (the date of the original MOU’s execution). (Pet. Ex. 4, p. 4, ¶5). The Amended MOU expressly required the PIP firms to “defend, indemnify, and hold the Progressive entities harmless from all claims for underlying benefits, bad faith, and unfair claim handling practices. . .” (Pet. Ex. 4,

p. 3, ¶1). *After initial denials and vacillation, Judge Watson had to concede that this language required her to defend and indemnify Progressive from claims brought by her own clients:*

Q. [T]his says you will indemnify them from a bad faith claim. So if you had a client that wanted to pursue a bad faith claim for 50, a hundred thousand dollars, were you agreeing to Progressive that you would defend Progressive against your client's claim?

A. The way it reads, yes. (T. 381-82).

See Findings and Recommendation of Discipline at 34-35. Although it is a safe assumption that the Hearing Panel found Mr. Stewart's testimony credible, it is equally clear that the Hearing Panel was deeply disturbed by Judge Watson's testimony.

Judge Watson's argument that her inability to have the benefit of the Improperly Withheld Emails limited her ability to cross examine Mr. Stewart is also belied by simply reviewing the transcript from the final hearing. From review of the transcript, it is abundantly clear that Judge Watson's intention was to portray Mr. Stewart as a vengeful witness who sought to control the JQC proceeding in order to facilitate his own objective of seeking restitution from Judge Watson. That strategy was not lost on the panel. This is nowhere more manifest than in the

following line of questioning during Mr. Sweetapple's cross-examination of Larry Stewart:

BY MR. SWEETAPPLE:

Q. *So what you're doing with this complaint is you're hoping to use it to get restitution?*

MR. McGRANE: Objection. Repetitious.

THE CHAIR: I'll sustain the objection. You know, Mr. Stewart has no say in any decision by the Panel, so --

MR. SWEETAPPLE: I'm not concerned about the decision by the Panel. I'm concerned about other conduct.

THE CHAIR: You've made your point that he has an interest and is unhappy and there's been a lot of litigation with Judge Watson. *I think that part is well established.*

(T2:-266) (emphasis added). The fact that Judge Watson's strategy proved to be unsuccessful is not tantamount to a finding she was limited in her ability to cross-examine Mr. Stewart.

C. Trial Testimony of Larry Stewart

Larry Stewart testified before the Hearing Panel on February 10, 2014, the first day of the final hearing. When Mr. Stewart arrived at the courthouse, he was served with a trial subpoena from Judge Watson. (T:2-208). On cross-examination, Mr. Stewart confirmed that during his deposition he produced all emails between himself and Mr. McGrane from the date of the Notice of Formal

Charges through the date of his deposition. (T:2-223). He also testified that Mr. McGrane did not always respond to his emails, but that “anything that [he] got from Mr. McGrane [was] included in th[e] package” he provided during his deposition. (T:2-226).

At a later point during cross-examination, Mr. Stewart was asked whether there were any additional emails between himself and Mr. McGrane. He testified that there had been some emails exchanged since his deposition in November 19, 2013. (T:2-250). When asked if he would return to the courthouse the following day and produce those emails, Mr. Stewart testified he would not voluntarily return, but would do so if ordered by the Hearing Panel. (T:2-250-251). Mr. Sweetapple then requested that the Hearing Panel direct Mr. Stewart to produce those emails prior to the close of the case so they could be marked as an exhibit. (T:2-252). After conferring with the full Hearing Panel, Judge Evander announced that the Hearing Panel had determined the trial subpoena was “unduly burdensome,” “untimely,” and requested documents that were irrelevant. (T:2-271-74).

In summary, Mr. Stewart confirmed during his testimony at the final hearing that he provided all emails exchanged between himself and Miles McGrane from the date the Notice of Formal Charges was filed through the date of his deposition.

Mr. Sweetapple then sought to inquire into additional emails which post-dated Mr. Stewart's deposition (and of course, by then were several years removed from attorney Watson's misconduct which gave rise to the Formal Charges). In the exercise of its discretion, the Hearing Panel determined that the trial subpoena served on Mr. Stewart was unduly burdensome, untimely, and sought documents that were irrelevant. Judge Watson has offered no reason why the Hearing Panel's ruling should be disturbed.

D. Subpoena Duces Tecum to The Florida Bar

On or about November 15, 2013, Judge Watson served a Subpoena for Videotaped Deposition Duces Tecum of Non-Party on Ghenete Wright Muir ("Subpoena"). At the time, Ms. Wright Muir served as Bar Counsel for the Fort Lauderdale Branch of the Bar. In her capacity as Bar Counsel, Ms. Wright Muir was responsible for providing counsel to the Seventeenth Judicial Circuit Grievance Committee "B" ("Grievance Committee") during the time period that Grievance Committee rendered a probable cause finding against Judge (then attorney) Watson on October 19, 2012.

The Bar produced some records in response to the Subpoena. Mr. McGrane, as Special Counsel to the JQC's Investigative Panel, had no involvement in the Bar's search for, or identification of, records that were responsive to the Subpoena.

Although the Bar produced records in response to the Subpoena, the Bar and counsel for Judge Watson were apparently unable to reach compromise on the necessity of Ms. Wright Muir's deposition being taken, thereby prompting the Bar and Ms. Wright Muir to file a Motion to Quash Deposition Subpoena Duces Tecum and for Protective Order on January 14, 2014 ("Motion for Quash").

The Motion to Quash was heard before Judge Evander on January 17, 2014. Thereafter, on January 22, 2014, Judge Evander issued an Order on Pending Motions, which addressed several discovery disputes between the parties, including the Bar's Motion to Quash. In granting the Bar's Motion to Quash, Judge Evander reasoned as follows:

[T]he record reflects that Respondent served Attorney Ghenete Wright Muir with a subpoena for videotaped deposition duces Tecum. Ms. Muir was the Florida Bar counsel for the Fort Lauderdale Branch of the Florida Bar at the time the Seventeenth Circuit Grievance Committee made its probable cause filing against Respondent. At the hearing conducted January 17, 2014, counsel for the Florida Bar represented that the Florida Bar had properly complied with its obligation to respond to the request for documents and had in fact, provided all documents to Respondent that had previously been provided to the FJQC. As to Respondent's request to depose Ms. Muir, the Florida Bar argued that virtually all of Ms. Muir's otherwise relevant testimony would be protected by Rule 3-7.1, R. Reg. Fla. Bar, attorney-client privilege or work product privilege. In determining whether a protective order is appropriate, the competing interests that would be served by granting or denying

discovery must be balanced. *See Rasmussen v. South Florida Blood Services, Inc.*, 500 So. 2d 533, 535 (Fla. 1987). Here, Respondent is seeking to depose an individual who was counsel to the Grievance Committee and whose knowledge of relevant facts arose predominantly from privileged communications. By contrast, it appears unlikely that any non-privileged information that Ms. Muir may possess would assist in the determination of whether Respondent engaged in misconduct as alleged in the FJQC Complaint. Accordingly, the Florida Bar's "Motion to Quash Subpoena Duces Tecum and for Protective Order" is granted.

Based solely on the JQC's recent receipt of the Bar's Notice of Discovery of Additional Materials Subject to Subpoena which the Bar filed on February 15, 2015, it appears as though the Bar may have discovered additional materials that are responsive to the Subpoena. Although the JQC is not aware of the nature of the additional materials, presumably those materials pertain to the grievance proceeding the Bar initiated against Judge Watson before she was elected to the bench and/or materials pertinent to the Bar's grievance proceedings against the other PIP lawyers.

As stated previously, Judge Watson's attorney misconduct which is the subject of the Hearing Panel's recommendation occurred in 2004. Following a lengthy deferral of grievance proceedings requested by attorney Watson, a Bar grievance committee found probable cause that she violated the Rules Regulating

The Florida Bar in October 2012. For the reasons previously expressed in the JQC's Reply Brief, the JQC does not believe that any documents in the Bar's possession pertaining to the Bar's prosecution of attorney Watson (or possibly the other PIP lawyers) have any bearing on Judge Watson's guilt or the appropriate discipline. *See* Reply Brief at pp. 42-45.

III. THERE IS NO BASIS FOR DIRECT CRIMINAL CONTEMPT

Judge Watson's Motion includes a request that the Court issue a show cause order against Mr. McGrane for direct criminal contempt. Curiously, Judge Watson does not cite the controlling legal authority for direct criminal contempt, which is set forth in Fla. R. Crim, P. 3.830. That rule provides:

A criminal contempt may be punished summarily if the court saw or heard the conduct constituting the contempt *committed in the actual presence of the court*. The judgment of guilt of contempt shall include a recital of those facts on which the adjudication of guilt is based. Prior to the adjudication of guilt the judge shall inform the defendant of the accusation against the defendant and inquire as to whether the defendant has any cause to show why he or she should not be adjudged guilty of contempt by the court and sentenced therefor. The defendant shall be given the opportunity to present evidence of excusing or mitigating circumstances. The judgment shall be signed by the judge and entered of record. Sentence shall be pronounced in open court.

Fla. R. Crim. P. 3.830 (emphasis added). By plain definition, direct criminal contempt is only punishable where “the court saw or heard the conduct constituting the contempt *committed in the actual presence of the court.*” There is no such allegation in this case. Thus, without even considering the merits of Judge Watson’s “Notice of Direct Criminal Contempt,” which the JQC believes is specious in any event, there is no legal basis for the Court to enter an order to show cause for direct criminal contempt.¹⁰

IV. THE JQC PROCESS IS NOT TAINTED DUE TO THE ROLE OF COUNSEL TO THE HEARING PANEL

In a claim so patently frivolous that it hardly merits any response, Judge Watson argues that the contractual duties of Lauri Ross, who serves as counsel to the Hearing Panel, “made her the liaison between McGrane, the Special Prosecutor and the JQC tribunal, and thereby seemingly bound to or highly likely to make impermissible ex parte communications between tribunal and prosecutor [sic].” See Motion at 56. Pursuant to Rule 4 of the Florida Judicial Qualifications Commission Rules, “[t]he Hearing Panel may appoint Counsel to the Hearing Panel to serve as its legal advisor.” This Court is well aware that counsel to the Hearing Panel assists the Hearing Panel in discharging its adjudicatory function

¹⁰ Even if Judge Watson’s Notice of Direct Criminal Contempt was legally sufficient, it would be premature for the JQC to respond on the merits prior to the issuance of a show cause order.

and provides advice to the Hearing Panel. Judge Watson's imaginative argument that Counsel to The Hearing Panel's role could theoretically lead to "impermissible ex parte communications" between the Hearing Panel and Special Counsel to the Investigative Panel is entirely speculative, based on no facts, and should be rejected out of hand.

CONCLUSION

For the foregoing reasons, the Florida Judicial Qualifications Commission respectfully prays that Judge Watson's Notice of Direct Criminal Contempt by The Florida Bar and Judicial Qualifications Commission (Coxe, McGrane, and Muir) and Motion to Reject the Report and Recommendations of the JQC Based Upon Perjury, Fraud, Spoliation of Evidence, and Numerous Violations of the Rules Regulating The Florida Bar, and Other Relief be **DENIED**.

/s/ Lansing C. Scriven

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Special Counsel to the Florida Judicial
Qualifications Commission

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing
**FLORIDA JUDICIAL QUALIFICATIONS COMMISSION'S RESPONSE
TO JUDGE WATSON'S NOTICE OF DIRECT CRIMINAL CONTEMPT
BY THE FLORIDA BAR AND JUDICIAL QUALIFICATIONS
COMMISSION (Coxe, McGrane, and Muir) AND MOTION TO REJECT
THE REPORT AND RECOMMENDATIONS OF THE JQC BASED UPON
PERJURY, FRAUD, SPOILIATION OF EVIDENCE, AND NUMEROUS
VIOLATIONS OF THE RULES REGULATING THE FLORIDA BAR AND
OTHER RELATED RELIEF** has been furnished by E-Mail on this 10th day of
April, 2015 to the following:

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/s/ Lansing C. Scriven

Attorney

RECEIVED, 8/26/2013 09:44:00, Thomas D. Hall, Clerk, Supreme Court

**BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA**

SC13-1333

INQUIRY CONCERNING A JUDGE No. 12-613

LAURA M. WATSON

**JUDGE LAURA M. WATSON'S FIRST
REQUEST FOR PRODUCTION TO THE JUDICIAL QUALIFICATIONS
COMMISSION**

The Honorable Laura M. Watson, pursuant to Rule 12 of the FJQCR adopting Florida Rules of Civil Procedure 1.350, hereby files her First Request for Production of Documents to the Judicial Qualifications Commission ("JQC"). The JQC has thirty (30) days from the date of service within which to respond/comply with the Request. The JQC must respond and produce those documents in its possession. When producing documents responsive to this Request the JQC is to designate those documents which it is producing in response to this Request.

DEFINITIONS AND INSTRUCTIONS

Exhibit A

1. **"Documents"** means any tangible thing, recording or reproduction in any manner, any visual or auditory data in your possession, including without limiting the generality of its meaning, correspondence, memoranda, transcripts, stenographic or handwritten notes, telegrams or telexes, letters, reports, graphs or charts, ledgers, invoices, diaries or calendars, minute books, meeting minutes, computer print-outs, prospectuses, financial statements, annual, quarterly or other filings with any governmental agency or department, annual reports (including schedules thereto), statistical studies, articles appearing in publications, press releases, video or audio tapes, computer data bases, hard drives, storage tapes or disks, all e-mail data, and any papers on which words have been written, printed, typed or otherwise affixed, and shall mean a copy where the original is not in the possession of the JQC, and shall mean every copy of every document where such copy is not an identical copy of an original (whether different from the original by reason of any notation made on such copy or any other reason).

2. As used herein, the words **"in its possession"** shall mean: actual custody or holding of the document or tangible thing as defined in paragraph one.

3. If any of these documents cannot be produced in full, produce them to the extent possible, specifying your reasons for your inability to produce the remainder and stating whatever information, knowledge or belief you have

concerning the unproduced portion.

4. As used herein, the words **"pertain(s) to" or "shows"** shall mean: relates to, refers to, contains, concerns, describes, mentions, constitutes, supports, corroborates, demonstrates, proves, evidence, refutes, disputes, rebuts, controverts and/or contradicts.

5. Pursuant to Florida Rules of Civil Procedure 1.280(5), regarding **claims of privilege**, for each document responsive to these requests which is withheld under any claim of attorney-client privilege or work product privilege, provide a statement by a person having knowledge setting forth as to each document:

- (a) Name and title of the author(s);
- (b) The name and title of each person to whom the document was addressed;
- (c) The name and title of each person to whom a copy of the document was sent;
- (d) The date of the document;
- (e) The number of pages;
- (f) A brief description of the nature and subject matter of the document;

- (g) The nature of the claimed privilege;
- (h) The category or categories of this request to which the document is responsive; and
- (i) The exact location of the original and each copy as of the date of the receipt of this request.

Pursuant to rule a “ the party shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.” Florida Rules of Civil Procedure 1.280(5).

DOCUMENTS REQUESTED

1. Provide all written statements of witnesses which pertain to this matter in possession of the Investigative Panel on April 18, 2013- date of the *Notice of Investigation* to Judge Watson.
2. Provide all transcripts of testimony of witnesses which pertain to this matter in possession of the Investigative Panel on April 18, 2013- date of the *Notice of Investigation* to Judge Watson.
3. Provide all documents (as defined above) which pertain to this matter

in possession of the Investigative Panel on April 18, 2013- date of the *Notice of Investigation* to Judge Watson.

4. Provide all affidavits which pertain to this matter in possession of the Investigative Panel on April 18, 2013- date of the *Notice of Investigation* to Judge Watson.

5. Provide all complaints under oath indicating that Judge Watson is guilty of willful or persistent failure to perform judicial duties in possession of the Investigative Panel on April 18, 2013- date of the *Notice of Investigation* to Judge Watson.

6. Provide all complaints under oath indicating that Judge Watson is guilty of conduct unbecoming a member of the judiciary demonstrating a present unfitness to hold office in possession of the Investigative Panel on April 18, 2013- date of the *Notice of Investigation* to Judge Watson.

7. Provide all complaints under oath indicating that Judge Watson has a disability seriously interfering with the performance of the judge's duties, which is, or is likely to become permanent in nature in possession of the Investigative Panel on April 18, 2013- date of the *Notice of Investigation* to Judge Watson.

8. Provide all written statements of witnesses which pertain to this matter in possession of the Investigative Panel on July 24, 2013- date of the *Notice*

of Formal Charges to Judge Watson.

9. Provide all transcripts of testimony of any witnesses which pertain to this matter in possession of the Investigative Panel on July 24, 2013- the date the JQC filed its *Notice of Formal Charges* against Judge Watson.

10. Provide all documents (as defined above) or other materials which pertain to this matter in possession of the Investigative Panel on July 24, 2013- the date the JQC filed its *Notice of Formal Charges* against Judge Watson.

11. Provide all meeting minutes, meeting books, stenographic or handwritten notes, computer records or any other document (as defined above) which reflects that the Investigative Panel voted to submit formal charges to the hearing panel against Judge Watson.

13. Provide all meeting minutes, meeting books, stenographic or handwritten notes, computer records or any other document (as defined above) which reflects that the Investigative Panel voted individually on each and every numbered allegation which appears in the its *Notice of Investigation* served on Judge Watson.

14. Provide all meeting minutes, meeting books, stenographic or handwritten notes, computer records or any other document (as defined above) which reflects that the Investigative Panel voted individually on each and every

numbered allegation which appears in the *Notice of Formal Charges* filed with the Clerk of the Supreme Court in this matter.

11. Provide all meeting minutes, meeting books, stenographic or handwritten notes, computer records or any other document (as defined above) which reflects that the Hearing Panel designated Laurie Waldman Ross to serve as Counsel to the Hearing Panel.

12. Provide all meeting minutes, meeting books, stenographic or handwritten notes, computer records or any other document (as defined above) which reflects that the Investigative Panel designated Miles McGrane as Special Counsel before the Investigative Panel.

12. Provide all meeting minutes, meeting books, stenographic or handwritten notes, computer records or any other document (as defined above) which reflects that the Investigative Panel designated Miles McGrane as Special Counsel before the Hearing Panel.

13. Provide all meeting minutes, meeting books, stenographic or handwritten notes, computer records or any other document (as defined above) which reflects that the Investigative Panel designated Miles McGrane to prepare appropriate papers and pleadings and the directions to Special Counsel advising him of the allegations on which the Investigative Panel found probable cause.

Respectfully submitted,

The Honorable Laura M. Watson
Circuit Judge, 17th Judicial Circuit
Room 1005B
201 SE 6th Street
Fort Lauderdale, Florida 33301
Tel.: (954) 831-6907
jwatson@17th.flcourts.org

/s/ Laura M. Watson
LAURA M. WATSON
Florida Bar No.: 476330

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by email to: Miles A. McGrane, III, Esq. miles@mcgranelaw.com The McGrane Law Firm, Special Counsel, One Datan Center, Ste. 1500, 9100 South Dadeland Boulevard, Miami, Florida 333156; Lauri Waldman Ross, Esq. RossGirten@Laurilaw.com Counsel to the Hearing Panel of the JQC, Ste. 1612, 9100 South Dadeland Boulevard, Miami, Florida 333156; Michael L. Schneider, Esq. mschneider@floridajqc.com General Counsel, 1110 Thomasville Road, Tallahassee, Florida 32303, this 26th day of August 2013.

Pursuant to FJQCR Rule 10(b) a copy is furnished by email to: The Honorable Kerry I. Evander, evanderk@flcourts.org, Chair of the JQC, 300 S.

Beach Street, Daytona Beach, FL 32114.

/s/ Laura M. Watson
LAURA M. WATSON

BEFORE THE INVESTIGATIVE PANEL OF THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE

SC13-1333

LAURA MARIE WATSON, NO. 12-613

**JUDICIAL QUALIFICATIONS COMMISSION'S RESPONSE TO
JUDGE LAURA M. WATSON'S FIRST REQUEST FOR
PRODUCTION DATED AUGUST 26, 2013**

In response to Judge Laura M. Watson's First Request for Production dated August 26, 2013, the JQC responds as follows:

- On August 5, 2013, Judge Watson served upon the JQC a pleading entitled:

Motion for Enlargement of Time to File Rule 25
Affidavits to Disqualify Members of the Hearing
Panel and Demand for Disclosures

Contained within that motion was a demand for Rule 12(b) materials. On August 21, 2013, Special Counsel responded to Judge Watson's request and furnished her with all documents to which she is entitled under Rule 12(b). Thereafter, on August 26, 2013, Judge Watson requested additional materials. The following is the JQC's specific response to that Request for Production.

GENERAL OBJECTION

All proceedings by the Investigative Panel are confidential unless and until such time as Formal Charges are filed. Art. V, Section 12(a)(4), Florida Constitution; FJQCR 23(a). The confidentiality requirement is intended not just to protect the subject judge against publicized

Exhibit B

complaints that are not supported by fact, but also to protect the witnesses providing information to the Panel against potential reprisals. See, *In Re: Graziano*, 696 So.2d 744, 751 (Fla. 1997) (“[C]onfidentiality allows the JQC to process efficiently complaints from any and all sources while protecting the complainant from recriminations and the judicial officer from unsubstantiated charges.”) (citing *Forbes v. Earle*, 298 So.2d 1,4 (Fla. 1974)); see also *In re Frank*, 753 So.2d 1228, 1241 (Fla. 2000) (“We request that the Commission be ever mindful of the implementation of those rules relating to the confidentiality which give to all involved in the Commission’s proceedings confidence that confidentiality will be observed.” (emphasis added)).

REQUESTED ITEMS TO BE PRODUCED

1. Provide all written statements of witnesses which pertain to this matter in possession of the Investigative Panel on April 18, 2013- date of the *Notice of Investigation* to Judge Watson.

■

It is public knowledge that the Investigative Panel had the written statements of witnesses provided by the Bar investigation that found probable cause to find that the responding judge had violated the Rules Regulating the Bar.

It is believed that these documents are already in the possession of Judge Watson. To the extent they are not, these documents are available for copying and/or inspection at the office of the undersigned at a mutually agreeable time.

Other investigation by the Panel is privileged. See, Art. V., Section 12(a)(4) Florida Constitution and Rules 12 and 23(a) FJQCR. Additionally, Rule 6(b) FJQCR specifically limits what is available to a judge when appearing before the Investigative Panel.

2. Provide all transcripts of testimony of witnesses which pertain to this matter in possession of the Investigative Panel on April 18, 2013- date of the *Notice of Investigation* to Judge Watson.

■

The Investigative Panel had the entire public record provided to it by The Florida Bar that the Bar used to determine probable cause. That material included transcripts and portions of transcripts in the case *Stewart Tilghman Fox & Bianchi, P.A., et al. v. Kane & Kane, et al*, Palm Beach County Case #502004CA006138XXXXMBAO.

To the extent that it is allowed by law to respond, the JQC admits possession of the transcripts noted above.

It is believed that these documents are already in the possession of Judge Watson. To the extent they are not, these documents are available for copying and/or inspection at the office of the undersigned at a mutually agreeable time.

Other materials in its possession are privileged. See, Art. V, Section 12(a)(4) Florida Constitution and Rules 12 and 23(a) FJQCR. Additionally, Rule 6(b) FJQCR specifically limits what is available to a judge when appearing before the Investigative Panel.

3. Provide all documents (as defined above) which pertain to this matter in possession of the Investigative Panel on April 18, 2013- date of the *Notice of Investigation* to Judge Watson.

■

The Investigative Panel had the entire public record provided to it by The Florida Bar that the Bar used to evaluate probable cause. That material included documents in the case *Stewart*

Tilghman Fox & Bianchi, P.A., et al. v. Kane & Kane, et al, Palm Beach County Case
#502004CA006138XXXXMBAO.

To the extent that it is allowed by law to respond, the JQC admits possession of the documents noted above.

It is believed that these documents are already in the possession of Judge Watson. To the extent they are not, these documents are available for copying and/or inspection at the office of the undersigned at a mutually agreeable time.

Other materials in its possession are privileged. See, Art. V, Section 12(a)(4) Florida Constitution and Rules 12 and 23(a) FJQCR. Additionally, Rule 6(b) FJQCR specifically limits what is available to a judge when appearing before the Investigative Panel.

4. Provide all affidavits which pertain to this matter in possession of the Investigative Panel on April 18, 2013- date of the *Notice of Investigation* to Judge Watson.

■

The Investigative Panel had the entire public record provided to it by The Florida Bar that the Bar used to determine probable cause. That material included affidavits/transcripts in the case *Stewart Tilghman Fox & Bianchi, P.A., et al. v. Kane & Kane, et al*, Palm Beach County Case #502004CA006138XXXXMBAO.

To the extent that it is allowed by law to respond, the JQC admits possession of the affidavits/transcripts noted above.

It is believed that these documents are already in the possession of Judge Watson. To the extent they are not, these documents are available for copying and/or inspection at the office of the undersigned at a mutually agreeable time.

Other materials in its possession are privileged. See, Art. V, Section 12(a)(4) Florida Constitution and Rules 12 and 23(a) FJQCR. Additionally, Rule 6(b) FJQCR specifically limits what is available to a judge when appearing before the Investigative Panel.

5. Provide all complaints under oath indicating that Judge Watson is guilty of willful or persistent failure to perform judicial duties in possession of the Investigative Panel on April 18, 2013- date of the *Notice of Investigation* to Judge Watson.

■

The Investigative Panel had the entire public records provided to it by The Florida Bar that the Bar used to determine probable cause.

It is believed that these documents are already in the possession of Judge Watson. To the extent they are not, these documents are available for copying and/or inspection at the office of the undersigned at a mutually agreeable time.

Complaints made directly to the Commission are constitutionally confidential. See, Art. V, Section 12(a)(4) Florida Constitution and Rules 12 and 23(a) FJQCR. See, *In Re: Graziano*, 696 So.2d 744, 751 (Fla. 1997).

6. Provide all complaints under oath indicating that Judge Watson is guilty of conduct unbecoming a member of the judiciary demonstrating a present unfitness to hold office in possession of the Investigative Panel on April 18, 2013- date of the *Notice of Investigation* to Judge Watson.

■

The Investigative Panel had the entire public records provided to it by The Florida Bar that the Bar used to determine probable cause.

It is believed that these documents are already in the possession of Judge Watson. To the extent they are not, these documents are available for copying and/or inspection at the office of the undersigned at a mutually agreeable time.

Complaints made directly to the Commission are constitutionally confidential. See, Art. V, Section 12(a)(4) Florida Constitution and Rules 12 and 23(a) FJQCR. See, In Re: Graziano, 696 So.2d 744, 751 (Fla. 1997).

7. Provide all complaints under oath indicating that Judge Watson has a disability seriously interfering with the performance of the judge's duties, which is, or is likely to become permanent in nature in possession of the Investigative Panel on April 18, 2013- date of the *Notice of Formal Charges*.

■

The Investigative Panel had the entire public records provided to it by The Florida Bar that the Bar used to determine probable cause.

It is believed that these documents are already in the possession of Judge Watson. To the extent they are not, these documents are available for copying and/or inspection at the office of the undersigned at a mutually agreeable time.

Complaints made directly to the Commission are constitutionally confidential. See, Art. V, Section 12(a)(4) Florida Constitution and Rules 12 and 23(a) FJQCR. See, In Re: Graziano, 696 So.2d 744, 751 (Fla. 1997).

8. Provide all written statements of witnesses which pertain to this matter in possession of the Investigative Panel on July 24, 2013- date of the *Notice of Formal Charges* to

Judge Watson.

■

The Investigative Panel had the entire public record provided to it by The Florida Bar that the Bar used to determine probable cause. That material included statements in the case *Stewart Tilghman Fox & Bianchi, P.A., et al. v. Kane & Kane, et al*, Palm Beach County Case #502004CA006138XXXXMBAO.

It is believed that these documents are already in the possession of Judge Watson. To the extent they are not, these documents are available for copying and/or inspection at the office of the undersigned at a mutually agreeable time.

Other than what is a matter of public record by virtue of the referral from The Florida Bar, proceedings before the Commission are confidential and privileged. See, Art. V, Section 12(a)(4) Florida Constitution and Rules 12 and 23(a) FJQCR. Additionally, Rule 6(b) FJQCR specifically limits what is available to a judge when appearing before the Investigative Panel.

9. Provide all transcripts of testimony of any witnesses which pertain to this matter in possession of the Investigative Panel on July 24, 2013- the date the JQC filed its *Notice of Formal Charges* against Judge Watson.

■

The Investigative Panel had the entire public record provided to it by The Florida Bar that the Bar used to determine probable cause. That material included information concerning the case *Stewart Tilghman Fox & Bianchi, P.A., et al. v. Kane & Kane, et al*, Palm Beach County Case #502004CA006138XXXXMBAO.

It is believed that these documents are already in the possession of Judge Watson. To the extent they are not, these documents are available for copying and/or inspection at the office of the undersigned at a mutually agreeable time.

Other than what is a matter of public record by virtue of the referral from The Florida Bar, proceedings before the Commission are confidential and privileged. See, Art. V, Section 12(a)(4) Florida Constitution and Rules 12 and 23(a) FJQCR. Additionally, Rule 6(b) FJQCR specifically limits what is available to a judge when appearing before the Investigative Panel.

10. Provide all documents (as defined above) or other materials which pertain to this matter in possession of the Investigative Panel on July 24, 2013- the date the JQC filed its *Notice of Formal Charges* against Judge Watson.

■

The Investigative Panel had the entire public record provided to it by The Florida Bar that the Bar used to determine probable cause. That material included statements under oath in the case *Stewart Tilghman Fox & Bianchi, P.A., et al. v. Kane & Kane, et al*, Palm Beach County Case #502004CA006138XXXXMBAO.

It is believed that these documents are already in the possession of Judge Watson. To the extent they are not, these documents are available for copying and/or inspection at the office of the undersigned at a mutually agreeable time.

Other than what is a matter of public record by virtue of the referral from The Florida Bar, proceedings before the Commission are confidential and privileged. See, Art. V, Section 12(a)(4) Florida Constitution and Rules 12 and 23(a) FJQCR. Additionally, Rule 6(b) FJQCR specifically limits what is available to a judge when appearing before the Investigative Panel.

11. Provide all meeting minutes, meeting books, stenographic or handwritten notes, computer records or any other document (as defined above) which reflects that the Investigative Panel voted to submit formal charges to the hearing panel against Judge Watson.

■

Objection. Pursuant to the Constitution of the State of Florida, Art. V, Section 12 (a)(4), 12 (c) and 23, FJQCR, all proceedings by or before the Commission shall be confidential. See also, *In Re: Graziano*, 696 So.2d 744 (Fla. 1997).

12. [Omitted by Judge Watson.]

13. Provide all meeting minutes, meeting books, stenographic or handwritten notes, computer records or any other document (as defined above) which reflects that the Investigative Panel voted individually on each and every numbered allegation which appears in the its *Notice of Investigation* served on Judge Watson.

■

Objection. Pursuant to the Constitution of the State of Florida, Art. V, Section 12 (a)(4), 12 (c) and 23, FJQCR, all proceedings by or before the Commission shall be confidential. See also, *In Re: Graziano*, 696 So.2d 744 (Fla. 1997).

14. Provide all meeting minutes, meeting books, stenographic or handwritten notes, computer records or any other document (as defined above) which reflects that the Investigative Panel voted individually on each and every numbered allegation which appears in the *Notice of Formal Charges* filed with the Clerk of the Supreme Court in this matter.

■

Objection. Pursuant to the Constitution of the State of Florida, Art. V, Section 12 (a)(4), 12 (c) and 23, FJQCR, all proceedings by or before the Commission shall be confidential. See also, In Re: Graziano, 696 So.2d 744 (Fla. 1997).

11. [2nd Request #11] Provide all meeting minutes, meeting books, stenographic or handwritten notes, computer records or any other document (as defined above) which reflects that the Hearing Panel designated Laurie Waldman Ross to serve as Counsel for the Hearing Panel.

■

Objection. Pursuant to the Constitution of the State of Florida, Art. V, Section 12 (a)(4), 12 (c) and 23, FJQCR, all proceedings by or before the Commission shall be confidential. See also, In Re: Graziano, 696 So.2d 744 (Fla. 1997).

12. [Listed out of order] Provide all meeting minutes, meeting books, stenographic or handwritten notes, computer records or any other document (as defined above) which reflects that the Investigative Panel designated Miles McGrane as Special Counsel before the Investigative Panel.

■

Objection. Pursuant to the Constitution of the State of Florida, Art. V, Section 12 (a)(4), 12 (c) and 23, FJQCR, all proceedings by or before the Commission shall be confidential. See also, In Re: Graziano, 696 So.2d 744 (Fla. 1997).

12. [2nd Request #12] Provide all meeting minutes, meeting books, stenographic or handwritten notes, computer records or any other document (as defined above) which reflects

that the Investigative Panel designated Miles McGrane as Special Counsel before the Hearing Panel.

■

Objection. Pursuant to the Constitution of the State of Florida, Art. V, Section 12 (a)(4), 12 (c) and 23, FJQCR, all proceedings by or before the Commission shall be confidential. See also, In Re: Graziano, 696 So.2d 744 (Fla. 1997).

13. [2nd Request #13] Provide all meeting minutes, meeting books, stenographic or handwritten notes, computer records or any other document (as defined above) which reflects that the Investigative Panel designated Miles McGrane to prepare appropriate papers and pleadings and the directions to Special Counsel advising him of the allegations on which the Investigative Panel found probable cause.

■

Objection. Pursuant to the Constitution of the State of Florida, Art. V, Section 12 (a)(4), 12 (c) and 23, FJQCR, all proceedings by or before the Commission shall be confidential. See also, In Re: Graziano, 696 So.2d 744 (Fla. 1997).

DATED this 20th day of September, 2013.

Respectfully submitted,

FLORIDA JUDICIAL QUALIFICATIONS
COMMISSION

Michael Schneider, Esquire
General Counsel
Florida Judicial Qualifications Commission
Florida Bar No.: 525049
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/s/ Miles A. McGrane, III
Miles A. McGrane, III, Esquire
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lisa@mcgranelaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by

E-mail, this 20th day of September, 2013 to:

The Honorable Laura Marie Watson
Circuit Judge, 17th Judicial Circuit
201 S.E. 6th Street, Room 1005B
Fort Lauderdale, FL 33301
jwatson@17th.flcourts.org
ltucker@17th.flcourts.org

Lauri Waldman Ross, Esquire
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The Honorable Kerry I. Evander
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evanderk@flcourts.org

BY: /s/ Miles A. McGrane, III
Miles A. McGrane, III, Esquire